

REMARKS

Claims 1 – 16 were presented for examination. In the instant office action claims 1-16 were rejected under 35 U.S.C. § 112, while claims 1 and 12 were rejected variously under 35 U.S.C. § 102(b) in view of Horne Jr. (U.S. Patent No. 2,858,721), Miller (U.S. Patent No. 1,696,920), and Kaskouras (U.S. Patent No. 2,455,496) and claims 9-16 were rejected variously under 35 U.S.C. § 103(a) in view of Horne Jr., Kaskouras, Allen Sr. (U.S. Patent No. 5,457,834), and Rydquist (U.S. Patent No. 928,156).

In the instant amendment, claims 4, 8 and 15-18 have been canceled without prejudice. Consequently, applicant submits the rejections to claims 15 and 16 are now moot. Reconsideration and allowance of the claims 1-3, 5, 7 and 12-14 is respectfully requested in view of the foregoing amendments and the following remarks.

In the drawings, applicant has amended Figures 1 and 2 to amend the location of the leader lines for reference numerals 20 and 40 in Figures 1 and 2. Applicant has also amended claims 1-3, 5, 7 and 12-14 to address the rejections under 35 U.S.C. § 112. Additionally, applicant has added new claims 19-21. Support for the aforementioned amendments is found in the application as filed. Accordingly, applicant submits that no new matter has been introduced by the foregoing amendments.

Claims 1 and 12, as amended, include at least the following limitations: “[a] wedge-shaped head having a first surface, a second surface, and an intersecting edge defined by the first and second surfaces; and a hook extending from the length of rigid material proximate to the wedge-shaped head, the hook being configured to engage a portion of a rim of a flip-top can such that when the flip-top can opener is pivoted about the portion of the rim, the intersecting edge engages a lid of the can in a manner that substantially removes a portion of the lid of the can disposed between an opening and the rim, wherein a fluid in the can flows through an enlarged opening of the can.”

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, “[t]he identical invention must be shown in as complete detail as is

contained in the * * * claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988).

In contrast, Horne Jr., Miller, and Kaskouras, do not disclose “[a] wedge-shaped head having a first surface, a second surface, and an intersecting edge defined by the first and second surfaces; and a hook extending from the length of rigid material proximate to the wedge-shaped head, the hook being configured to engage a portion of a rim of a flip-top can such that when the flip-top can opener is pivoted about the portion of the rim, the intersecting edge engages a lid of the can in a manner that substantially removes a portion of the lid of the can disposed between an opening and the rim, wherein a fluid in the can flows through an enlarged opening of the can.”

Accordingly, because references Horne Jr., Miller and Kaskouras do not teach all the limitations of amended claims 1 and 12, applicant respectfully submits that claims 1 and 12 are allowable over the cited references.

Referring to dependent claims 2, 3, 5-7 and 9-11, each claim depends from amended claim 1 and therefore teaches all the limitations of claim 1. Since the references, Horne Jr., Miller, Kaskouras and Allen Sr. either alone or in combination, do not teach all the limitations of amended claim 1, applicant respectfully submits that claims 2-7 and 9-11 are allowable over the references.

Referring to claims 13 and 14, each claim depends from amended claim 12 and therefore teaches all the limitations of claim 12. Since the references, Horne Jr. and Kaskouras either alone or in combination, do not teach all the limitations of claim 12, applicant respectfully submits that claims 13 and 14 are allowable over the references.

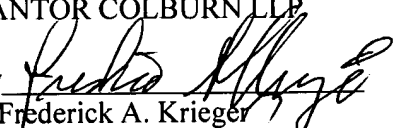
It is believed that the foregoing amendments and remarks fully comply with the office action and that the claims herein should now be allowable. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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IN THE DRAWINGS

Please replace Figures 1 and 2 with the attached replacement sheet.